

PMMc
Union City, CA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BLOMMER CHOCOLATE COMPANY OF
CALIFORNIA, LLC

Employer

and

Case 32-RC-131048

BAKERS UNION LOCAL 125, BAKERY,
CONFECTIONERY, TOBACCO WORKERS
AND GRAIN MILLERS INTERNATIONAL
UNION

Petitioner

SUPPLEMENTAL DECISION AND ORDER

On February 17, 2016, a three-member panel of the National Labor Relations Board (Member Miscimarra dissenting) issued an unpublished decision directing a second election in the above-titled proceeding. On February 25, the Petitioner filed a motion requesting that the Board reconsider its decision and direct the Employer to post a notice of second election that includes language informing employees that the first election was set aside because the Employer engaged in certain conduct interfering with employee free choice. The Employer filed a response stating that it does not oppose the motion and would post the requested modified notice. We shall grant the Petitioner's motion for the reasons given below.¹

In its exceptions to the hearing officer's report, the Petitioner did not request the notice language it now seeks. Although formally styled as a "Motion for Reconsideration," the

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Petitioner's motion actually requests only that the Board supplement, rather than reconsider, its previous decision. As such, and given that the motion is unopposed, we shall treat the motion as requesting amendment of a Board decision rather than a motion for reconsideration under Section 102.65(e), and grant the request. See *Lufkin Rule Co.*, 147 NLRB 341 (1964).²

ORDER

The Petitioner's motion is granted. Accordingly, the Board's underlying decision is hereby amended to require that the Notice of Second Election include language informing employees that the first election was set aside because the Board found that certain conduct by the Employer interfered with employees' free choice.

Dated, Washington, D.C., May 31, 2016.

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² Member Miscimarra dissented in part from his colleagues' underlying decision, and he would have upheld the results of the first election. For the reasons stated above, however, he joins in granting the Petitioner's request for modification of the decision.